

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

**MORGAN STANLEY SMITH BARNEY, LLC)
d/b/a E*TRADE,)**

Plaintiff,)

vs.)

Case No. 6:24-cv-03165-MDH

**THE ESTATE OF KEVIN LOY WILSON,)
and TERRY M. WILSON,)**

Defendants,)

THE ESTATE OF KEVIN LOY WILSON,)

Cross Claimant,)

vs.)

TERRY M. WILSON,)

Cross Defendant.)

ORDER

On June 3, 2024, Plaintiff Morgan Stanley Smith Barney, LLC d/b/a E*TRADE from Morgan Stanley (“E*TRADE”) filed this statutory interpleader action to resolve competing claims to certain stock held in two brokerage accounts registered jointly to Kevin L. Wilson and Terry M. Wilson. The Estate of Kevin Loy Wilson executed a Waiver of Service of Summons, which was filed by E*TRADE on June 10, 2024 (Doc. No. 8). Terry Wilson was served with the interpleader complaint and summons in North Carolina on June 17, 2024, and proof of this service was filed by E*TRADE on July 5, 2024 (Doc. No. 9).

On the same day it filed the Interpleader Complaint, E*TRADE also filed a Motion for Leave to Deposit Stock Proceeds, Dismissal of Plaintiff, And Recovery of Fees and Costs (Doc.

No. 5). With respect to E*TRADE's request for an award of its fees and costs, the Estate of Kevin Loy Wilson has stipulated to an award of \$5,500.00.

Upon consideration of E*TRADE's Motion and the stipulation regarding E*TRADE's fees and costs incurred due to this interpleader, the Court finds that E*TRADE has properly invoked the Court's interpleader jurisdiction pursuant to 28 U.S.C. § 1335 and E*TRADE's Motion is hereby **GRANTED** and the Court awards E*TRADE reasonable attorneys' fees and costs in the amount of \$5,500.00. Accordingly,

IT IS HEREBY ORDERED that E*TRADE shall liquidate all shares of 3M, Berkshire Hathaway, Boeing, and Ford stock held in E*TRADE Account Nos. XXX-XXXXXX7-207 and XXX-XXXXXX8-208 within seven (7) business days of the date of entry of this Order, and deposit such proceeds with the registry of the Court within fourteen (14) business days of the date of that liquidation, less the fees and costs the Court awards in this Order in the amount of \$5,500.00. The Court Orders the Clerk to accept and to deposit into the registry of the Court said funds into an interest-bearing account and maintain the same pending further orders of the Court.

IT IS FURTHER ORDERED that E*TRADE is hereby relieved and discharged from any and all claims and liability to Defendants the Estate of Kevin Loy Wilson and Terry M. Wilson with respect to the shares of 3M, Berkshire Hathaway, Boeing, and Ford stock held in E*TRADE Account Nos. XXX-XXXXXX7-207 and XXX-XXXXXX8-208.

IT IS FURTHER ORDERED that upon depositing said stock proceeds, E*TRADE is deemed dismissed from this action with prejudice. Further, upon the deposit of those proceeds and dismissal of E*TRADE, the Court enjoins the Estate of Kevin Loy Wilson and Terry M. Wilson from instituting or prosecuting any action in state or federal court or elsewhere against E*TRADE based on claims arising out of the shares of 3M, Berkshire Hathaway, Boeing, and

Ford stock held in E*TRADE Account Nos. XXX-XXXXXX7-207 and XXX-XXXXXX8-208 that exist as of the date of this Order or the proceeds thereof.

Dated this 8th day of October, 2024.

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE